

# EXHIBIT 4

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# FASKEN

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## By Email

The Honourable Jaye Hooper  
Ontario Superior Court of Justice  
161 Elgin Street  
Ottawa, ON K2P 2K1

Your Honour,

**Re: *Cash Cloud Inc. v. BitAccess Inc.*, Court File No. CV-22-89877**

It was brought to my attention late yesterday that the parent company of BitAccess Inc. (“**BitAccess**”), Lux Vending LLC d.b.a. Bitcoin Depot, a company incorporated in Georgia (“**Lux Vending**”), took control yesterday of BitAccess’ ability to deactivate the cloud-based software that operates the kiosks of Cash Cloud, Inc. (“**Cash Cloud**”). This was sudden and unexpected.

Lux Vending also informed BitAccess of its intention to deactivate the cloud-based software operating on Cash Cloud’s kiosks, on various grounds, including that Cash Cloud still had unresolved cashflow and distribution issues, and had itself disabled the cloud-based software in 1,980 kiosks over the past couple of weeks.

Upon learning of Lux Vending’s intention yesterday, Moe Adham, the CEO of BitAccess, vehemently opposed the move. He also brought to their attention the undertaking by BitAccess, given to the court to maintain status quo.

When this was brought to my attention, I counselled unequivocally against deactivation, pending the court’s decision on the application. It was only when I received an email from Cash Cloud’s counsel last night that I learned that deactivation had occurred.

When the undertaking was given at the court hearing on August 18, 2022, Mr. Adham was in a position to instruct me to provide that undertaking on behalf of the company. At that time, BitAccess alone controlled its operations and the ability to deactivate the cloud-based software on kiosks, and Mr. Adham had the authority to direct BitAccess on this issue and ensure that the undertaking was complied with. The developments that occurred yesterday were unexpected, surprising and unforeseen.



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I notified Thomas Conway, counsel for Cash Cloud, of the above yesterday evening and that I would be writing to Your Honour this morning to advise you of these developments. Although I am in a hearing before the Court of Appeal today, I assured Mr. Conway that this will be receiving my utmost attention. I will also be reaching out to Mr. Conway later today to confer.

The purpose of this letter is to inform Your Honour of these developments, and that under the circumstances, BitAccess is no longer able to fulfil the undertaking for reasons beyond its control.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**



Peter N. Mantas

*Cc : Thomas Conway, Counsel for the Applicant*